

IN THE COURT OF SMALL CAUSES AT MUMBAI

ORDER BELOW EXHIBIT NO.15

IN

R.A.E. SUIT NO.1003 OF 2021

1. Smt. Anuradha Anant Umarani ]...Plaintiff

Versus

1. Sr. Superintendent of Post Offices & Ors. ]...Defendants

U. A. Mahadik, Ld. Advocate for Plaintiff.

S. P. Hartalkar, Ld. Advocate for Defendants.

Coram :- Shri S. A. Gawai, Judge

C. R. No.20

Date : 27/04/2022

**ORAL ORDER**

This is an application for condonation of delay caused in filing the written statement. The application was strongly opposed by the plaintiff by filing say below the application itself. Read the application and the say. Went through the record of the case. Heard the Ld. Advocates for the respective parties at sufficient length.

2. Defendants were served with suit summons on 22/10/2021. Therefore, they were required to file their written statement till 22/11/2021 i.e. within 30 days from the date of service of suit summons on them. Though, they appeared and sought adjournment vide (Ex.12), they did not file their written statement within prescribed period.

3. The present application came on record today i.e. beyond the prescribed period of 90 days as is prescribed under Rule

(1) of Order VIII of the Code of Civil Procedure, 1908 (for short '**the CPC**'). Thus, delay of 6 months was caused in filing the written statement of defendants. It appears that, defendants had to seek approval of their department before filing their written statement. Therefore, they could not file it within prescribed time.

4. The **Hon'ble Apex Court by its order passed in Suo-motu WP (C)No.3/2020**, pleased to exclude the period from 15/03/2020 till 28/02/2022 for the purpose of limitation as may be prescribed under any general or special laws in respect of all judicial or quasi-judicial proceeding. In view of the same and the reason assigned by the defendants for delay, the application is liable to be allowed and delay of 6 months is liable to be condoned. Hence, I pass the following order

**ORDER**

1. The application is allowed subject to costs of Rs.2000/-payable to the plaintiff on or before next date.
2. On payment of costs, defendants are permitted to file their written statement on record.

Mumbai  
Date : 27/04/2022

(S. A. Gawai)  
Judge, C. R. No.20